

# EXHIBIT O

**Brenner, Wendy**

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**From:** Brenner, Wendy  
**Sent:** Monday, December 20, 2010 9:49 AM  
**To:** 'Anna Levine'; 'larryp@dralegal.org'  
**Subject:** FW: Enyart v. NCBE

Larry & Anna – please see attached letter regarding Ms. Enyart’s requested modifications to the previous injunctions.

Wendy Brenner  
Cooley LLP  
3175 Hanover Street  
Palo Alto, CA 94304-1130  
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L. Paradis.pdf



Wendy J. Brenner  
(650) 843-5371  
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VIA EMAIL AND US MAIL

December 20, 2010

Laurence W. Paradis  
Anna Levine  
Disability Rights Advocates  
2001 Center Street, Fourth Floor  
Berkeley, CA 94704

**RE: *Enyart v. National Conference of Bar Examiners*  
NCBE's Position on Potential Injunction for MBE Portion of February 2011 California Bar Exam**

Dear Mr. Paradis and Ms. Levine:

This letter serves as Defendant NCBE's response to Plaintiff Stephanie Enyart's requested modifications to the previous two preliminary injunctions orders issued in the above-referenced matter, as described in Ms. Enyart's December 13, 2010 Response to Position of Defendant National Conference of Bar Examiners on Potential Injunction Sought by Plaintiff for the MBE Portion of the February 2011 California Bar Examination During Pending Ninth Circuit Appeal, and in related email communications between Ms. Levine and myself on December 9, 2010 (attached for your reference).

Decisions relating to Ms. Enyart's physical access to the NCBE-provided laptop computer for inspection and set up rest with the California State Bar. Subject to agreement by the California State Bar, NCBE agrees to the following for Ms. Enyart's February 2011 administration of the MBE portion of the California Bar Exam:

- NCBE will make the NCBE-provided laptop available to Ms. Enyart for inspection and set-up on February 17, 2011, and provide her with access again on February 21, 2011.
- Provided the California State Bar is able to manage storage and ensure security, NCBE will permit the laptop computer to remain set up from February 21, 2011 until Ms. Enyart takes the MBE on February 26 and 27, 2011.
- NCBE will make an NCBE representative available by telephone on February 17, 2011 and February 21, 2011, at a pre-established, mutually convenient time between 8:30 a.m. and 4:00 p.m. CST, to assist Ms. Enyart with troubleshooting any technical or compatibility issues. For security reasons, NCBE will not provide administrative privileges to anyone. The NCBE representative available by telephone will not use his/her administrative privileges in any way, nor will he/she transfer that ability.

NCBE is also in receipt of Ms. Enyart's request for specific software versions. NCBE is still evaluating that request. We will respond to you on that issue as soon as we are able.



Laurence Paradis  
Anna Levine  
December 20, 2010  
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NCBE's agreement to the above-listed accommodations is in no way an acknowledgment by NCBE that Ms. Enyart needs or is entitled to these accommodations under the Americans with Disabilities Act. NCBE maintains its position that Ms. Enyart is not legally entitled to her requested exam format or any related accommodations.

Sincerely,

Cooley LLP

A handwritten signature in black ink, appearing to read "Wendy J. Brenner", written over the printed name.

Wendy J. Brenner